

REMARKS

Please enter this Amendment, enter the attached Rule 132 Declaration, and withdraw the rejection of record. The minor claim amendments attend to clerical matters.

The elected claims define novel inventions over the Rosenplenter reference.

As earlier explained, the pending claims include forming at least one layer from a liquid-mixture of sorbitol and erythritol wherein the dry substance in the mixture contains 1% to 50% w/w erythritol.

This differs from the Rosenplenter description of adding a selected polyol in crystalline form to rotating mass of sorbitol-syrup-coated cores. Rosenplenter, column 2, lines 49-51. This and other differences mean the present product differs from the product produced according to the Rosenplenter reference.

Evidentiary support includes the specification and the attached Rule 132 Declaration.

The specification presents an evidentiary basis for this difference. At pages 10-11 the present specification discloses:

Comparative Example

The process as it is described in EP 0813817 was repeated.

The coating solution was a sorbitol syrup with dry substance of 70% and a sorbitol-content of 97%. The syrup was applied to the cores at room temperature (20 - 25°C).

2 kg cores were in a rotating pan (speed 20 rpm, diameter 0.5m, velocity at outer circumference 1m/s). For the first ten layers 10 ml of sorbitol syrup was added. From layer twenty the amount was increased to 25 ml and from layer 37 it was further increased to 35 ml. Every fifth layer 1 min. after the addition of the sorbitol solution 0.57% (based on the weight of the centres) of C☆Eridex was added as a solid material.

The coating process was stopped after 40 layers.

Figure 4 corresponds to the hard coating prepared according to this process. The hard coating is heterogeneous and [consists] of big erythritol crystals in the sorbitol matrix. This is completely different from the hard coating prepared according to the current invention and displayed in Figure 3.

The Examiner will appreciate EP 0813817 is a counterpart of the Rosenplenter USP reference. Please also consider the specification at page 3, second full paragraph, plus Figure 4 in view of the specification at page 5, lines 1-5.

The hard coating prepared from a liquid mixture of sorbitol and erythritol is superior in quality, since the adhesion to the gum core is better. Specification, page 7, lines 11-14. Thus, the Rosenplenter process gives rise to different products. Specification, page 7, last paragraph.

Still further, the attached Rule 132 Declaration reports that the product prepared according to the method of Rosenplenter has been prepared (see Annex Declaration) in comparison to a product of the current invention. The Declaration demonstrates that the hard coating prepared according to the method of Rosenplenter is completely different from the hard coating of the current invention.

The Applicants respectfully call attention to the Declaration, Figure 2 and Figure 1 (both at the same magnification). It is respectfully submitted that Applicants have shown their invention has a more homogeneous hard coating. When comparing Figures 1 and 2 it is evident that the hard coating according to Rosenplenter is more heterogeneous and has bigger erythritol crystals in a non-crystalline sorbitol matrix. In contrast, the current invention includes a layer(s) in a hard coating which is more uniform and wherein the sorbitol crystals are found as fine needles. (See also Figure 3 displayed at increased magnification.) In short, applying the method of Rosenplenter yields a non-uniform hard coating including large erythritol crystals in a non-crystalline sorbitol matrix.

Applicants respectfully submit they have demonstrated their claimed products are novel and unobvious over the products obtained by the Rosenplenter method.

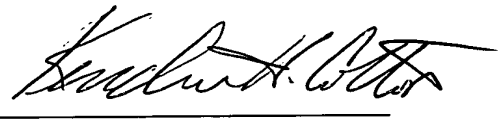
If the Examiner has suggestions or questions, please contact the undersigned. Applicants representative is available to interview the Examiner.

The PTO's mission statement, to help our customers obtain patents, is acknowledged.

A Notice of Allowance is respectfully requested.

Respectfully submitted,

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Enclosure: Declaration Under 37 CFR 1.132